

REMARKS

Claims 8-30 have been canceled. Claims 1-7 remain pending in the application.

Applicants amend claim 1 for clarification, and refer to page 16, lines 12-27 of the specification for an exemplary embodiment of and support for the claim amendments. No new matter has been added.

Applicants acknowledge with appreciation the Examiner's consideration of the information disclosure statement ("IDS") filed concurrently with the application, and the return of a signed copy of the PTO-1449 form attached thereto. The Examiner apparently failed to initial, however, one of the references listed on the PTO-1449 form, JP 2000-078129.

Applicants' undersigned representative, Mr. Dexter Chang (Reg. No. 44,071), contacted the Examiner by telephone on February 10, 2006 and confirmed that the Examiner received a copy of the reference with the IDS. The Examiner agreed to consider the reference and issue an updated PTO-1449 form.

Claims 1-7 stand rejected under 35. U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner contended that "[t]here is no recitation of utilizing a technological arts to effect the steps of calculating and displaying." Applicants respectfully traverse the rejection.

Claim 1 recites a "method for displaying an accounting state for a communication service by a terminal device" where an accounting quantity is obtained and displayed on the terminal device. Applicants respectfully submit that claims 1-7 are directed to statutory subject matter, and request that the Examiner withdraw the § 101 rejection.

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In

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particular, the Examiner objected to the term “the communication service part” in claim 1 for lack of antecedent basis. Applicants amend claim 1 for clarification. And consequently, the objected-to term is removed. Applicants, therefore, respectfully request that the Examiner withdraw the § 112, ¶ 2 rejection.

Claims 1, 3 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,303,297 to Hillis in view of U.S. Patent No. 6,216,956 to Ehlers et al. and U.S. Patent No. 6,853,990 to Thiel. Applicants respectfully traverse the rejection.

Applicants respectfully submit that it would not have been obvious to one skilled in the art at the time the claimed invention was made to combine Hillis, Ehlers et al., and Thiel in the manner proposed by the Examiner. Applicants further submit that these references, even if combined, would not meet the claimed invention.

Hillis describes a technique for displaying a calling rate on an “individual subscriber unit (ISU)” to allow a user to decide whether or not to connect a call to another ISU for the displayed calling rate. Ehlers et al. describe an environmental condition control and energy management system that calculates an environmental condition deadband range based on parameters—such as temperature—input by a user, and selects an energy supply company to minimize energy consumption costs. And Thiel describes a postage franking and prepayment machine.

The Examiner cited the general motivation of being able to see a bottom line pricing as the basis for combining these diverse references. But there is no motivation in the cited portions of the references to combine with one another. For example, Hillis, as cited and relied upon by the Examiner, provides no motivation to be combined with a system, as described in Ehlers et al., that queries and displays rates from different companies. Hillis describes a communication system billing arrangement that is used, for example, by a call service provider, which would not

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have been motivated to provide rates from other companies—or to connect calls through these companies—to its subscribers, or to pursue means for providing such a feature. The cited portions of Ehlers et al. directed to comparing rates from suppliers also provide no motivation to be combined with the simple rate display feature described in Hillis. Furthermore, the cited portions of the references provide no motivation to combine the mobile communication system described in Hillis and the indoor environmental control system described in Ehlers et al. with the postage franking device described in Thiel. Indeed, the Examiner exercised improper hindsight in piecing together the references that are directed to diverse and unrelated systems to yield the claimed invention.

Furthermore, the cited portions of Ehler et al. merely describe selecting an energy provider with the lowest rates. Ehler et al. do not disclose or suggest how such a selection feature would operate for a mobile communication system “during the process of utilizing the communication service.”

The cited portions of Thiel merely describe “preselecting” a postage carrier and a corresponding accounting method. The so-called accounting methods described in Thiel relate to the method of payment for reloading a postage franking machine for processing postage. Therefore, these “accounting methods” are mutually exclusive in that a customer selects a particular method of payment to a carrier, either “pay before” or “pay later,” etc. As such, information in terms of alternative methods of payment are irrelevant to the customer once the customer has selected a particular method of payment. Thiel, therefore, does not disclose or suggest displaying information on communication service already received by alternative accounting methods in a mobile communication system “during the process of utilizing the communication service.”

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Indeed, none of the references, as cited and relied upon by the Examiner, disclose or suggest determining accounting quantities for a utilized portion of a communication service based on a plurality of accounting methods, and displaying the results during the process of utilizing the communication service.

Therefore, even assuming, arguendo, that it would have been obvious to combine the references, the combination would at most include an option to preselect a particular carrier and a corresponding accounting method used by that carrier before making a call. And such a combination would still have failed to teach or suggest,

“[a] method of displaying an accounting state for a communication service by a terminal device, comprising steps of: receiving a communication service, to which a plurality of accounting methods can be applied, from a network and providing the communication service for a subscriber wherein an accounting element of each of said plurality of accounting methods differing mutually; during the process of utilizing the communication service, obtaining an accounting quantity for each accounting method for a portion of the communication service already received, where the accounting quantity for each accounting method is calculated based on said plurality of accounting methods and the portion of the communication service already received; and displaying on the terminal device the obtained accounting quantity for each accounting method for the portion of the communication service already received during the process of utilizing the communication service,” as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claim 3 dependent therefrom, is patentable over Hillis, Ehler et al., and Thiel, separately and in combination, for at least the above-stated reasons.

Claims 1-2 and 4-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis in view of Ehlers et al. and Theil, and further in view of U.S. Patent No. 6,188,754 to Kikuchi et al. Applicants respectfully traverse the rejection.

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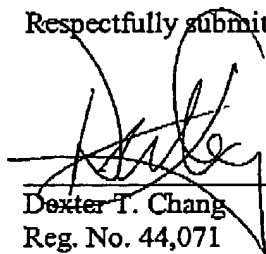
Although the Examiner listed claim 1 under this rejection, the Examiner apparently applied Kikuchi et al. as a combining reference to specifically address the additional features recited in dependent claims 2 and 4-6. As such, Kikuchi et al. do not cure the above-described deficiencies of Hillis, Ehler et al., and Thiel even assuming, *arguendo*, that it would have to be obvious to one skilled in the art to combine these references. Accordingly, Applicants respectfully submit that claims 2 and 4-6, which depend from claim 1, are patentable over the cited references for at least the above-stated reasons.

The above statements on the disclosures in the cited reference represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


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